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UNITED STATES OF AMERICA	)	
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	)	<b>GOVERNMENT NOTICE</b>
	)	<b>OF MOTION</b>
v.	)	<b>(Request for Protective</b>
	)	<b>Orders)</b>
	)	
SALIM AHMED HAMDAN	)	23 July 2004
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The Prosecution in the case of the *United States v Salim Ahmed Hamdan* provides the following notice of motion:

1. This Notice is filed in accordance with the Presiding Officer's Order of 19 July 2004.
2. Relief Requested: Throughout the pre-trial and trial process, the Prosecution will seek protective orders pertaining to information covered by Military Commission Order (MCO) No. 1, section 6(D)(5)(a), and to witnesses covered by section 6(D)(2)(d). In the motions, the Prosecution will request the following relief:
  - a. The grant of Protective Orders prohibiting disclosure of information or materials turned over to the Defense to the public, press, media or any other person except as necessary to prepare a defense; and
  - b. That certain witnesses be accorded measures to protect their identities.

Certain of these motions will contain classified information, including one that the Prosecution is already prepared to file. Accordingly, the Prosecution requests that the Presiding Officer notify the parties when his security clearances have been granted and a court security officer has been appointed to ensure the appropriate protection of the classified materials provided to the Presiding Officer. The Prosecution requests permission to delay filing of motions dealing with classified information until such time as the Presiding Officer has the necessary clearance to dispose of the motion.

3. Synopsis of Legal Theory: The Prosecution is fully committed to complying with its disclosure obligations to the Defense. At the same time, it is also required by U.S. law and regulations to ensure that classified information is appropriately protected at all times. MCO 1, section 6(D)(5)(a) allows the Presiding Officer to issue protective orders when necessary to safeguard "protected information." Protected information is subsequently defined in the instruction as "information classified or classifiable . . . information concerning intelligence and law enforcement sources, methods, or activities; or . . . information concerning other national security interests." Section 6(D)(2)(d) allows the Presiding Officer to use "appropriate" methods to protect witnesses and evidence. The same section specifically authorizes the use of pseudonyms and other

Revised: The names of prosecutors were redacted at the request of the Office of Military Commissions.

protective measures. A Protective Order is requested to protect classified and classifiable information pursuant to section 6(D)(5)(a) as previous discovery provided to the Defense contained such material. Further, pursuant to section 6(D)(2)(d), the Prosecution will move to protect the identities of certain witnesses.

4. Witnesses and Evidence: The Prosecution does not intend to call witnesses in support of this motion. Proper documentation in support of this motion will be provided.

5. Oral Argument: The Prosecution requests oral argument on this motion.

6. With the exception of the portion of this motion delineated in paragraph 2, above, the Prosecution will submit its motion on or about 30 July 2004.

***NAME REDACTED***

Commander, U.S. Navy

Prosecutor